THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17611 OF 2006

DATED: 30.8.2006

Between:

Vanka Venkateswara Rao

… Petitioner

AND

The District Collector (Land Acquisition)
West Godavari District, Eluru & others.

..Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.17611 OF 2006

ORAL ORDER:

The petitioners allege that the respondents are interfering with their possession and taking steps to dispossess them from their lands to an extent of Ac.0-72 cents in Sy.No.81/6B and an extent of Ac.0-74 cents in R.S.No.81/7B of Krishnayapalem Village, Tadepalligudem Mandal, West Godavari District, without initiating any proceedings under the provisions of the Land Acquisition Act 1894 or any other law, which is applicable and empowers the acquisition of lands. The grievance of the petitioners is, therefore, against the unauthorized conduct of the respondents trying to dispossess them from their lands in abuse and under the colour of a public office.

In support of such grievance, the petitioners have an adequate and alternative remedy, by seeking injunctive relief before the Civil Court of competent jurisdiction. The petitioners may also exercise a right of private defence and resist illegal dispossession by using countervailing force relevant and proportionate to the unlawful force employed by any person including those holding a public office who without the authority of law attempt to dispossess a citizen by exercise of unauthorized and unlawful force. The petitioners have another remedy, of filing a complaint before the jurisdictional police station duly

identifying and naming the person or persons including those holding a public office, who without the authority of law and without following the due process of law come to illegally dispossess the petitioners from their lawful possession and enjoyment of their lands. On such complaint being made, the jurisdictional police station is bound to register the same and investigate, including, if so warranted by arresting the named officer for custodial interrogation apart from restraining illegal and forcible dispossession.

In view of the availability of a plurality of remedies, efficacious and equally alternative and within proximal distance of the petitioners habitant, this Court is not inclined to exercise power under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of granting the petitioners liberty to pursue any of the alternative remedies.

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GODA RAGHURAM, J

Date: 30.08.2006
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